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# CONSTITUTION 

## AND BY-LAWS

OF THE

## COMMUNIST PARTY <br> U.S. A.

New York

This Constitution was unanimously adopted by the Tenth National Convention of the Communist Party of the U.S.A., in New York, May 27 to 31, 1938, after two months of preConvention discussion in every Branch of the Party. In its final form it was subsequently ratified by the Party membership after discussion in the Branches of the Party.

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## CONSTITUTION

PREAMBLE

THE COMMUNIST PARTY of the United States of America is a working class political party carrying forward today the traditions of Jefferson, Paine, Jackson, and Lincoln, and of the Declaration of Independence; it upholds the achievements of democracy, the right of "life, liberty, and the pursuit of happiness," and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties; it is devoted to defense of the immediate interests of workers, farmers, and all toilers against capitalist exploitation, and to preparation of the working class for its historic mission to unite and lead the American people to extend these democratic principles to their necessary and logical conclusions:

By establishing common ownership of the national economy, through a government of the people, by the people, and for the people; the abolition of all exploitation of man by man, nation by nation, and race by race, and thereby the abolition of class divisions in society; that is, by the establishment of socialism, according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engels, Lenin, and

Stalin, embodied in the Communist International; and the free cooperation of the American people with those of other lands, striving toward a world without oppression and war, a world brotherhood of man.

To this end, the Communist Party of the United States of America establishes the basic laws of its organization in the following Constitution.

## ARTICLE I

## Name

## The name of this organization shall be the COMMUNIST PARTY OF THE UNITED STATES OF AMERICA.

## ARTICLE II

## Emblem

The emblem of the Party shall be the crossed hammer and sickle, representing the unity of worker and farmer, with a circular inscription having at the top "Communist Party of the U.S.A." and in the lower part "Affiliated to the Communist International."

## ARTICLE III

## Membership

Section 1. Any person, eighteen years of age or more, regardless of race, sex, color, religious belief, or nationality, who is a citizen or who declares his intention of becoming a citizen of the United States, and whose loyalty to the working class is unquestioned, shall be eligible for membership.

Section 2. A Party member is one who accepts the Party program, attends the regular meetings of the membership Branch of his place of work or of his territory or trade, who pays dues regularly and is active in Party work.

Section 3. An applicant for membership shall sign an application card which shall be endorsed by at least two members of the Communist Party. Applications are subject to discussion and decision by the basic organization of the Party (shop, industrial, neighborhood Branch) to which the application is presented. After the applicant is accepted by a majority vote of the membership of the Branch present at a regular meeting he shall publicly pledge as follows:
"I pledge firm loyalty to the best interests of the working class and full devotion to all progressive movements of the people. I pledge to work actively for the preservation and extension of democracy and peace, for the defeat of fascism and all forms of national oppression, for equal rights to the Negro people and for the establishment of socialism. For this purpose, I solemnly pledge to remain true to the principles of the Communist Party, to maintain its unity of purpose and action, and to work to the best of my ability to fulfil its program."
Section 4. There shall be no members-at-large without special permission of the National or State Committee.

Section 5. Party members two months in arrears in payment of dues cease to be members of the Party in good standing, and must be informed thereof.

Section 6. Members who are four months in arrears shall be stricken from the Party rolls. Every member three months in arrears shall be officially informed of this provision, and a personal effort shall be made to bring such member into good standing. However, if a member who for these reasons has been stricken from the rolls applies for readmission within
six months, he may, on the approval of the next higher Party committee, be permitted to pay up his back dues and keep his standing as an old member.

## ARTICLE IV <br> Initiation and Dues

Section 1. The initiation fee for an employed person shall be 50 cents and for an unemployed person 10 cents.

Section 2. Dues shall be paid every month according to rates fixed by the National Party Convention.

Section 3. The income from dues shall be distributed to the various Party organizations as follows:
a. 25 per cent to the Branch.
b. 35 per cent to the National Office.
c. The remaining 40 per cent shall be distributed among the respective State, County, City and Section Organizations in accordance with decisions of the State Conventions.

Section 4. Fifty per cent of the initiation fee shall be sent to the National Committee and 50 per cent shall remain with the State Organization.

## ARTICLE V <br> International Solidarity and Assessment

Section 1. Every four months, all members of the Party shall pay an assessment equal to the average dues pay-
ment per month for the previous four months, for an International Solidarity Fund. This money shall be used by the National Committee exclusively to aid our brother Communist Parties in other countries suffering from fascist and military reaction.

Section 2. All local or district assessments are prohibited, except by special permission of the National Committee. Special assessments may be levied by the National Convention or the National Committee. No member shall be considered in good standing unless he purchases stamps for such special assessments.

## ARTICLE VI

## Rights and Duties of Members

Section 1. The Communist Party of the U.S.A. upholds the democratic achievements of the American people. It opposes with all its power any clique, group, circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy whereby the majority of the American people have obtained power to determine their own destiny in any degree. The Communist Party of the U.S.A., standing unqualifiedly for the right of the majority to direct the destinies of our country, will fight with all its strength against any and every effort, whether it comes from abroad or from within, to impose upon our people the arbitrary will of any selfish minority group or party or clique or conspiracy.

Section 2. Every member of the Party who is in good standing has not only the right, but the duty, to participate in the making of the policies of the Party and in the election of its leading committees, in a manner provided for in the Constitution.

Section 3. In matters of state or local nature, the Party organizations have the right to exercise full initiative and to make decisions within the limits of the general policies and decisions of the Party.

Section 4. After thorough discussion, the majority vote decides the policy of the Party, and the minority is dutybound to carry out the decision.

Section 5. Party members disagreeing with any decision of a Party organization or committee have the right to appeal that decision to the next higher body, and may carry the appeal to the highest bodies of the Communist Party of the U.S.A., its National Committee and the National Convention. Decisions of the National Convention are final. While the appeal is pending, the decision must nevertheless be carried out by every member of the Party.

Section 6. In pre-Convention periods, individual Party members and delegates to the Convention shall have unrestricted right of discussion on any question of Party policy and tactics and the work and future composition of the leading committees.

Section 7. The decisions of the Convention shall be final and every Party member and Party organization shall be dutybound to recognize the authority of the Convention decisions and the leadership elected by it.

Section 8. All Party members in mass organizations (trade unions, farm and fraternal organizations, etc.), shall cooperate to promote and strengthen the given organization and shall abide by the democratic decisions of these organizations.

Section 9. It shall be the duty of Party members to explain the mass policies of the Party and the principles of socialism.

Section 10. All Party members who are eligible shall be required to belong to their respective trade unions.

Section 11. All officers and leading committees of the Party from the Branch Executive Committee up to the highest committees are elected either directly by the membership or through their elected delegates. Every committee must report regularly on its activities to its Party organization.

Section 12. Any Party officer may be removed at any time from his position by a majority vote of the body which elected him, or by the body to which he is responsible, with the approval of the National Committee.

Section 13. Requests for release of a Party member from responsible posts may be granted only by the Party organization which elected him, or to which he is responsible, in consultation with the next higher committee.

Section 14. No Party member shall have personal or political relationship with confirmed Trotskyites, Lovestoneites, or other known enemies of the Party and of the working class.

Section 15. All Party members eligible shall register and vote in the elections for all public offices.

## ARTICLE VII

## Structure of the Party

Section 1. The basic organizations of the Communist Party of the U.S.A. are the shop, industrial and territorial Branches.

The Executive Committee of the Branch shall be elected once a year by the membership.

Section 2. The Section Organization shall comprise all Branches in a given territory of the city or state. The Section territory shall be defined by the higher Party committee and shall cover one or more complete political divisions of the city or state.

The highest body of the Section Organization is the Section Convention, or special annual Council meeting, called
for the election of officers, which shall convene every year. The Section Convention or special Council meeting discusses and decides on policy and elects delegates to the higher Convention.

Between Section Conventions, the highest Party body in the Section Organization is the Section Council, composed of delegates elected proportionately from each Branch for a period of one year. Where no Section Council exists, the highest Party body is the Section Committee, elected by a majority vote of the Section Convention, which also elects the Section Organizer.

The Section Council or Section Committee may elect a Section Executive Committee which is responsible to the body that elected it. Non-members of the Section Council may be elected to the Executive Committee only with the approval of the next higher committee.

Section 3. In localities where there is more than one Section Organization, a City or County Council or Committee may be formed in accordance with the By-Laws.

Section 4. The State Organization shall comprise all Party organizations in one state.

The highest body of the State Organization is the State Convention, which shall convene every two years, and shall be composed of delegates elected by the Conventions of the subdivisions of the Party or Branches in the state. The delegates are elected on the basis of numerical strength.

A State Committee of regular and alternate members
shall be elected at the State Convention with full power to carry out the decisions of the Convention and conduct the activities of the State Organization until the next State Convention.

The State Committee may elect from among its members an Executive Committee, which shall be responsible to the State Committee.

Special State Conventions may be cailed either by a majority vote of the State Committee, or upon written request of the Branches representing one-third of the membership of the state, with the approval of the National Committee.

Section 5. District Organizations may be established by the National Committee, covering two or more states. In uch cases the State Committees shall be under the jurisdiction of the District Committees, elected by and representing the Party organizations of the states composing these Districts. The rules of convening District Conventions and the election of leading committees shall be the same as those provided for the State Organization.

## ARTICLE VIII

## National Organization

Section 1. The supreme authority in the Communist Party of the U.S.A. is the National Convention. Regular National Conventions shall be held every two years. Only
such a National Convention is authorized to make political and organizational decisions binding upon the entire Party and its membership, except as provided in Article VIII, Section 6.

Section 2. The National Convention shall be composed of delegates elected by the State and District Conventions. The delegates are elected on the basis of numerical strength of the State Organizations. The basis for representation shall be determined by the National Committee.

Section 3. For two months prior to the Convention, discussions shall take place in all Party organizations on the main resolutions and problems coming before the Convention. During this discussion all Party organizations have the right and duty to adopt resolutions and amendments to the Draft Resolutions of the National Committee for consideration at the Convention.

Section 4. The National Convention elects the National Committee, a National Chairman and General Seecretary by majority vote. The National Committee shall be composed of regular and alternate members. The alternate members shall have voice but no vote.

Section 5. The size of the National Committee shall be decided upon by each National Convention of the Party. Members of the National Committee must have been active members of the Party for at least three years.

Section 6. The National Committee is the highest authority of the Party between National Conventions, and is responsible for enforcing the Constitution and securing the execution of the general policies adopted by the democratically elected delegates in the National Convention assembled. The National Committee represents the Party as a whole, and has the right to make decisions with full authority on any problem facing the Party between Conventions. The National Committee organizes and supervises its various departments and committees; conducts all the political and organizational work of the Party; appoints or removes the editors of its press, who work under its leadership and control; organizes and guides all undertakings of importance for the entire Party; distributes the Party forces and controls the central treasury. The National Committee, by majority vote of its members, may call special State or National Conventions. The National Committee shall submit a certified, audited financial report to each National Convention.

Section 7. The National Committee elects from among its members a Political Committee and such additional secretaries and such departments and committees as may be considered necessary for most efficient work. The Political Committee is charged with the responsibility of carrying out the decisions and the work of the National Committee between its full sessions. It is responsible for all its decisions to the National Committee. The size of the Political Committee shall be decided upon by majority vote of the National Committee.

Members of the Political Committee and editors of the central Party organs must have been active members of the Party for not less than five years.

The National Committee shall meet at least once in four months.

The Political Committee of the National Committee shall meet weekly.

The National Committee may, when it deems it necessary, call Party Conferences. The National Committee shall decide the basis of attendance at such Conferences. Such Conferences shall be consultative bodies auxiliary to the National Committee.

## ARTICLE IX

## National Control Commission

Section 1. For the purpose of maintaining and strengthening Party unity and discipline, and of supervising the audits of the financial books and records of the National Committee of the Party and its enterprises, the National Committee elects a National Control Commission, consisting of the most exemplary Party members, each of whom shall have been an active Party member for at least five years. The size of the National Control Commission shall be determined by the National Committee.

Section 2. On various disciplinary cases, such as those concerning violations of Party unity, cuiscipline or ethics, or concerning lack of class vigilance and Communist firmness in
facing the class enemy, or concerning spies, swindlers, doubledealers and other agents of the class enemy-the National Control Commission shall be charged with making investigations and decisions, either on appeals against the decisions of lower Party bodies, or on cases which are referred to it by the National Committee, or on cases which the National Control Commission itself deems necessary to take up directly.

Section 3. The decisions of the National Control Commission shall go into effect as soon as their acceptance by the National Committee or its Political Committee is assured.

Section 4. Members of the National Control Commission shall have the right to participate in the sessions of the National Committee with voice but no vote.

Section 5. Meetings of the National Control Commission shall take place at least once every month.

## ARTICLE X <br> Disciplinary Procedure

Section 1. Breaches of Party discipline by individual members, financial irregularities, as well as any conduct or action detrimental to the Party's prestige and influence among the working masses and harmful to the best interests of the Party, may be punished by censure, public censure, removal from responsible posts, and by expulsion from the Party. Breaches
of discipline by Party Committees may be punished by removal of the Committee by the next higher Party Committee, which shall then conduct new elections.

Section 2. Charges against individual members may be made by any person-Party or non-Party-in writing, to the Branches of the Party or to any leading committee. The Party Branch shall have the right to decide on any disciplinary measure, including expulsion. Such action is subject to final approval by the State Committee.

Section 3. The Section, State, and National Committees and the National Control Commission have the right to hear and take disciplinary action against any individual member or organization under their jurisdiction.

Section 4. All parties concerned shall have the fullest right to appear, to bring witnesses and to testify before the Party organization. The member punished shall have the right to appeal any disciplinary decision to the higher committees up to the National Convention of the Party.

Section 5. Party members found to be strikebreakers, degenerates, habitual drunkards, betrayers of Party confidence, provocateurs, advocates of terrorism and violence as a method of Party procedure, or members whose actions are detrimental to the Party and the working class, shall be summarily dismissed from positions of responsibility, expelled from the Party and exposed before the general public.

## ARTICLE XI

## Affliation


#### Abstract

The Communist Party of the U.S.A. is affiliated with its fraternal Communist Parties of other lands through the Communist International and participates in International Congresses, through its National Committee. Resolutions and decisions of International Congresses shall be considered and acted upon by the supreme authority of the Communist Party of the U.S.A., the National Convention, or between Conventions, by the National Committee.


## ARTICLE XII

## Amending the Constitution

Section 1. This Constitution and By-Laws may be amended as follows: (a) by decision of a majority of the voting delegates present at the National Convention, provided the proposed amendment has been published in the Party press or Discussion Bulletins of the National Committee at least thirty days prior to the Convention; (b) by the National Committee for the purpose of complying with any law of any state or of the United States or whenever any provisions of this Constitution and By-Laws conflict with any such law. Such amendments made by the National Committee shall be published in the Party press or Discussion Bulletins of the National Committee and shall remain in full
force and effect until acted upon by the National Convention.
Section 2. Any amendment submitted by a State Committee or State Convention within the time provided for shall be printed in the Party press.

## ARTICLE XIII

## By-Laws

Section 1. By-Laws shall be adopted, based on this Constitution, for the purpose of establishing uniform rules and procedure for the proper functioning of the Party organizations. By-Laws may be adopted or changed by majority vote of the National Convention, or between Conventions by majority vote of the National Committee.

Section 2. State By-Laws not in conflict with the National Constitution and By-Laws may be adopted or changed by majority vote of the State Convention or, between Conventions, by majority vote of the State Committee.

## ARTICLE XIV

## Cbarters

The National Committee shall issue Charters to State or District Organizations and at the request of the respective State Organizations, to County and City Organizations, defining the territory over which they have jurisdiction and authority.

## RULES AND BY-LAWS

THE FOLLOWING are the Rules and By-Laws adopted by the Communist Party of the United States of America, in accordance with its Constitution, for the purpose of carrying out the principles, rights and duties as established in the Constitution in a uniform manner in all Party organizations.

## Basic Organizations

The basic organizations of the Communist Party of the U.S.A. are the shop, territorial and industrial Branches. A shop Branch consists of those Party members who are employed in the same place of employment. Shop Branches shall be organized in every factory, shop, mine, ship, dock, office. etc., where there is a sufficient number of Party members, but no less than seven.

A territorial Branch consists of members of the Party living in the same neighborhood or territory. Territorial Branches shall be organized on the basis of the political division of the city or town (assembly district, ward, precinct, election district, town or township, etc.).

Industrial Branches may be organized and shall consist of Party members employed in the same trade or industry and shall be composed of those Party members who are employed
in places where shop Branches have not yet been formed. Shop Branches shall be organized wherever possible.

Every Branch of the Party shall elect an Executive Committee, which shall consist of at least the following officers: chairman, treasurer, educational director, membership director. There may be a recording secretary whose functions may be filled by one of the other officers. The size of the Executive Committee shall be determined by the size of the Branch, but shall not be less than four.

The Executive Committee has the duty of preparing the agenda and proposals for the membership meeting, administering and executing the decisions of the membership and the higher Party committee, and, between Branch meetings, of making decisions concerning matters which require immediate action. The Executive Committee of the Branch shall report regularly on its work, which shall be subject to review and action by the membership.

Regular election of Branch officers shall take place yearly, but not more than twice a year. All officers shall be elected by majority vote of the membership at a specially designated meeting of which the whole membership shall be notified. Officers may be replaced by majority vote of the Branch membership at any time, with the approval of the higher Party committee.
Financial statements shall be submitted to the Branch by the Executive Committee at least quarterly.

The order of business at the Branch meeting shall include the following:

1. Reading of minutes of previous meeting;
2. Dues payments and initiation of new members;
3. Report of Executive Committee:
a. Check-up on decisions (old business);
b. Assignments and tasks (reports on communications, literature and press (new business);
4. Good and welfare;
5. Regular educational discussion (educational discussion may be moved to any point on the order of business).

Collections within Party organizations in a given territory may be made only with the approval of the next higher body.

One-third of the Branch membership shall constitute a quorum.

Branches shall meet at least once every two weeks.

## Section Organizations

Delegates to the Section Convention or Council shall be elected by all Branches in propertion to their membership. The basis of representation shall be decided upon by the Section Committee in consultation with the higher Party Committee.

Any delegate to the Section Council may be recalled by a majority vote of his Branch. The Section Council meets regularly once a month.
The Section Council shall make a report at least once in three months to the general membership meeting of the

Section. All Party members residing in the territory may be invited to these meetings.

The Section Council shall submit financial reports to the Branches and to the higher Party Committee at least once in three months.

## City or County Organizations

In cities where there is more than one Section Organization, a City Council may be formed by the election of delegates either from the Section Councils or directly from the Branches. The role of this form of organization is to coordinate and guide the work on a citywide scale, and actively participate in or supervise Party activity in all public elections and civic affairs within its territory.

The City Council elects from among its members a City Executive Committee with the same rights and duties on a citywide scale as the Section Executive Committee has on a Sectionwide scale.

The State Committee may form County Councils with the same rights and duties on a county scale as the City Council has on a city scale.

The structure of the County Council shall be the same as of the City Council.

## State or District Organizations

For two months prior to the State Convention, discussion shall take place in all Party organizations on the main resolutions and problems coming before the Convention. During
this discussion, all Party organizations have the right and duty to adopt resolutions and amendments to the Draft Resolutions of the State Committee, for consideration at the Convention.

Only members who are at least two years in the Party shall be eligible for elections to the State Committee. Exceptions may be made only by State or National Conventions. The size of the State Committee shall be decided upon by the Convention, in consultation with the National Committee.

The State Committee shall meet at least once every two months. It shall elect from among its members an Executive Committee to function with full power, which shall be responsible to the State Committee.

The State Committee, by a majority vote of its members, may replace any regular member who is unable to serve because of sickness or other assignment, or who is removed from office. New regular members shall be chosen from among the alternate members of the State Committee.

An auditing committee, elected by the State Committee, shall examine the books of the State Financial Secretary once every month. A Certified Public Accountant shall audit these books at least once a year, and his report shall be presented to the State Committee and Conventions.

Special State Conventions may be called by a majority vote of the State Committee, or by the National Committee.

Upon the written request of Branches representing onethird of the membership of the State Organization, the State Committee shall call a special State Convention.

The call for a special Convention shall be subject to the approval of the National Committee.

The State Committee shall have the power to establish an official organ with the approval of the National Committee.

The State Committee shall conduct or supervise Party activity in all public elections and statewide public affairs within the state.

In states having more than one thousand members, the State Committee shall appoint a Disciplinary Committee with the task of hearing disciplinary cases, and reporting its findings and recommendations to the State Committee. In states with less than one thousand members, a Committee may be appointed if it is considered necessary.

The rules governing the organization and functioning of District Organizations shall be the same as those provided for the State Organizations.

## Qualifications for Delegates to Conventions

Delegates to the State Conventions must be in good standing and have been members of the Party for at least one year.

Delegates to the National Convention must be in good standing and have been members of the Party for at least two years.

In special cases, the latter qualification (length of time in Party) may be waived, but only with the approval of the leading committee involved (National Committee for the National Convention, State Committee for the State Convention).

## Membership

It is within the provision of Article III, Section 1 of the Constitution that the following are eligible to membership in the Communist Party:
a. Persons who, by some present unjust and undemocratic laws, are excluded from citizenship and disbarred from legally declaring their intentions of becoming citizens;
b. Students and others temporarily residing in the country;
c. All persons coming from countries contiguous to the United States, engaged in migratory work, and temporarily in the country.

## Rate of Dues

Dues shall be paid every month according to the following rates:
a. Housewives, unemployed, and all members earning up to $\$ 47.00$ a month, shall pay 10 cents a month.
b. All members earning from $\$ 47.01$ to $\$ 80.00$ a month inclusive shall pay 25 cents a month.
c. All members earning from $\$ 80.01$ to $\$ 112.00$ a month inclusive shall pay 50 cents a month.
d. All members earning from $\$ 112.01$ to $\$ 160.00$ a month inclusive shall pay $\$ 1.00$ a month.
e. Members earning more than $\$ 160.00$ per month shall pay, besides the regular $\$ 1.00$ dues, additional dues at
the rate of 50 cents for each additional $\$ 10.00$ or fraction thereof.

All dues payments must be acknowledged in the membership book by dues stamps, issued by the National Committee.

## Transfers and Leaves of Absence

Members who move from one neighborhood, shop or industry to another and have to go from one Branch to another, shall obtain transfers from their Branches. No member shall be accepted by the new Branch without a properly filled out transfer card. Before receiving transfers, members shall be in good standing and have paid up all other financial obligations to their Branches. If a member transfers from one Section or City Organization to another, a duplicate transfer card shall be transmitted through the State or District Committee. If a member transfers from one State or District to another, this shall be recorded in the membership book, and a duplicate transfer card shall be sent through the National Committee.

No member has the right to take a leave of absence without the permission of his Branch. Leaves of absence not exceeding one month may be granted by the Branch. An extended leave of absence, upon the recommendation of the Branch, shall be acted upon by the next higher committee of the Party. Before a leave of absence is given the member shall pay up dues, and settle his financial obligations up to and including the end of the leave of absence period.

## Readmittance

Expelled members applying for readmittance must submit a written statement and their applications may not be finally acted upon except with the approval of the National Control Commission.

Former members whose membership has lapsed must submit a written statement on application for readmission, to be finally acted upon by the respective State Committees.

# You Have Just Read the CONSTITUTION AND BY-LAWS OF THE COMMUNIST PARTY OF THE UNITED STATES 

You have a better understanding of what the Communist Party stands for, who are its members, what are its aims, how it is organized. There is a definite place in the Communist Party for you. We urge you to join and actively participate in the struggle for jobs, security, democracy, peace, and socialism.

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